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DEC 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Angela Hui et al.	:	
Application No. 10/032,757	:	DECISION ON PETITION UNDER
Filed: December 27, 2001	:	37 C.F.R. §1.183
Patent No. 6,974,995	:	
Issue Date: December 13, 2005	:	
Attorney Docket Number:	:	
G0728/2236P	:	
Title: METHOD AND SYSTEM FOR	:	
FORMING DUAL GATE STRUCTURES IN	:	
A NONVOLATILE MEMORY USING A	:	
PROTECTIVE LAYER	:	

This is a decision on the petition under 37 C.F.R. §1.183, filed December 9, 2005, requesting that the requirements of 37 C.F.R. §3.81(b)¹, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b). It is noted that Petitioner has requested the waiver of 37 C.F.R. §3.81(a) - the Office will presume this to be a typographical error, as 37 C.F.R. §3.81(a) is not applicable to the present matter.

On May 26, 2005, Petitioner submitted a petition under 37 C.F.R. §3.81(b) where it was set forth that a typographical error appeared on form PTOL-85(b), and that an assignee's name was not listed properly.

¹ See Official Gazette, June 22, 2004.

37 CFR 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by either a request for a certificate of correction (and fee) as required by 3.81(b), or a copy of the notice of recordation of the assignment document. As such, the petition was dismissed via the mailing of a decision on October 7, 2005.

The decision set forth:

It is not clear if the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before the issuance of this patent. Therefore, on renewed petition, Petitioner should submit the reel and frame number for this recordation, as well as the request for a certificate of correction and the appropriate fees (\$130 and \$100).

With the present petition under 37 C.F.R. §1.183, Petitioner has included 4 assignment recordations:

- An assignment from Chi Chang to Advanced Micro Devices, Inc. (hereinafter referred to as "AMD"), recorded on April 11, 2002;
- An assignment from each of the joint inventors to AMD, recorded on April 11, 2002;
- An assignment from each of the joint inventors to both AMD and Fujitsu Limited (hereinafter referred to as "Fujitsu"), recorded on October 15, 2002;
- An assignment from both AMD and Fujitsu to FASL Inc. (hereinafter referred to as "FASL"), recorded on March 10, 2005;

Petitioner has further included a document entitled "Environmental, Health, and Safety FAQs," as well as a statement of facts, where Petitioner indicates that he wishes the patent to be updated to replace the currently listed assignees with "Spansion, LLC" (hereinafter referred to as "Spansion") as an

assignee. Petitioner explains that FASL changed its name to Spanion, as reflected in the purportedly enclosed "Name Change Document²."

The electronic file has been reviewed, and a submission entitled "Name Change Document" has not been located in the electronic file.

As such, the petition under 37 C.F.R. §1.183 to waive 37 C.F.R. §3.81(b) must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.183," and should include a copy of the Name Change Document. This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail³, hand-delivery⁴, or facsimile⁵.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

It is noted that the address listed on the petition differs from the address of record. Petitioner has submitted a change of address form, which has been executed by Robert A. Voigt, Jr, who has asserted that he is the attorney of record. Mr. Voigt is not listed as the attorney of record, and hence, the change of correspondence address can neither be entered nor made of record.

If Petitioner desires to receive future correspondence regarding this application, a proper change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a properly executed Change


² Petition, page 2.

³ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁴ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁵ (571) 273-8300 - please note this is a central facsimile number.

of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



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